

02-07-01

A

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PT NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
6683.26USC1			B. Snow	3738

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL674896970US  
 Date of Deposit: February 6, 2001

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

By: *Brian Mahoney*Name: *Brian Mahoney*

## CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

## BOX PATENT APPLICATION

Assistant Commissioner for Patents  
 Washington, DC 20231

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/045,213, filed on March 20, 1998 entitled INTERVERTEBRAL IMPLANT WITH REDUCED CONTACT AREA AND METHOD by the following inventor(s):

Full Name Of Inventor	Family Name Kohrs	First Given Name Douglas	Second Given Name Kohrs
Residence & Citizenship	City Edina	State or Foreign Country Minnesota	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 7432 Hyde Park Drive	City Edina	State & Zip Code/Country MN 55439/U.S.A.

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 17 pages of specification, 35 claims, 1 pages of abstract, 8 sheets of drawings, and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☒ Cancel original claims 2-35 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS:				
1 -20	0	x	\$18.00	0.00
INDEPENDENT CLAIMS				
1 -3	0	x	\$80.00	0.00
			BASIC FILING FEE:	\$710.00
			TOTAL FILING FEE:	710.00

10041 U.S. PTO  
09/777631  
02/08/01

☐ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:  
☒ Attached is a check in the amount of 710.00  
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☐ Amend the specification by inserting before the first line the sentence:
7. ☐ A set of formal drawings ( sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to Sulzer Spine-Tech Inc. located at Minneapolis, Minnesota.
10. ☒ The Power of Attorney in the prior application is to:

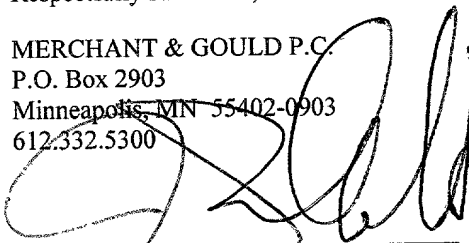
Merchant & Gould P.C.  
Minneapolis, MN 55402-2215

11. ☒ A preliminary amendment is enclosed.  
☐ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☐ Also Enclosed:

16. ☒ Address all future communications to the **Attention of James R. Chiapetta** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

  
James R. Chiapetta  
Reg. No. 39,634  
JRC:jkc



Date:

02/06/01